

MEMORANDUM

Agenda Item No. 11(A)(26)

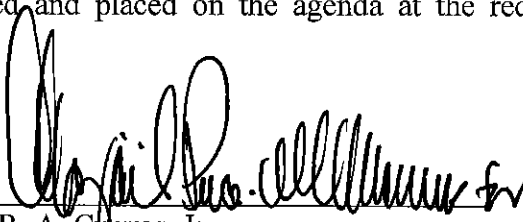
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 2, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution declaring 24.6 acres of vacant County Owned Land located at the Northwest corner of SW 288th Street and SW 127th Avenue in Unincorporated Miami-Dade County Surplus, waiving Administrative Order 8-4 as it relates to review by Planning Advisory Board and approving the no cost conveyance of such property to the United States of America pursuant to Section 125.38, Florida Statutes, to construct a new entry control complex and road realignment and improvements at Homestead Air Reserve Base; authorizing the Chairperson or Vice Chairperson of this Board to execute County Deed

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

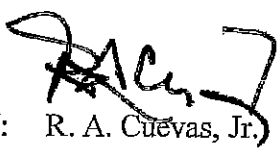


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 2, 2015

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(26)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(26)
6-2-15

RESOLUTION NO. _____

RESOLUTION DECLARING 24.6 ACRES OF VACANT COUNTY OWNED LAND LOCATED AT THE NORTHWEST CORNER OF SW 288th STREET AND SW 127th AVENUE IN UNINCORPORATED MIAMI-DADE COUNTY SURPLUS, WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY PLANNING ADVISORY BOARD AND APPROVING THE NO COST CONVEYANCE OF SUCH PROPERTY TO THE UNITED STATES OF AMERICA PURSUANT TO SECTION 125.38, FLORIDA STATUTES, TO CONSTRUCT A NEW ENTRY CONTROL COMPLEX AND ROAD REALIGNMENT AND IMPROVEMENTS AT HOMESTEAD AIR RESERVE BASE; AUTHORIZING THE CHAIRPERSON OR VICE CHAIRPERSON OF THIS BOARD TO EXECUTE COUNTY DEED; AND AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED HEREIN AND TO COMPLETE ALL ACTS NECESSARY TO EFFECTUATE SUCH TRANSACTION

WHEREAS, on July 13, 2004, the County approved Resolution No. R-909-04 which authorized the County to execute an Economic Development Conveyance Agreement ("EDC Agreement") with the Secretary of the Air Force on behalf of the United States of America (the "Air Force") to accomplish the transfer of 601 acres of former Homestead Air Reserve Base property ("EDC Premises") to Miami-Dade County at no cost for the purpose of promoting economic development in the area; and

WHEREAS, as a result of the EDC Agreement, the EDC Premises, including 601 acres, were conveyed to the County by multiple deeds; and

WHEREAS, the Air Force requires property in order to build an Entry Control Complex project (the “ECC Project”) compliant with all applicable Department of Defense and Air Force requirements, in order to enhance security and protection in accordance with minimum antiterrorism standards, and which will include a new entry gate and security office, and will include realignment and improvement of certain roads; and

WHEREAS, the Air Force has identified approximately 24.6 acres within the 601 acres of the EDC Premises (the “ECC Project Property”) that would be the most suitable location for the construction of the ECC Project as depicted in the sketch attached as Exhibit “A”; and

WHEREAS, in order to move forward with the ECC Project in a timely manner, the Air Force has applied for the conveyance of the ECC Project Property back to the Air Force pursuant to Section 125.38, Florida Statutes as a matter critical to security in order to reduce force protection vulnerabilities, as set forth in the letter attached as Exhibit “B”; and

WHEREAS, the Board finds that, pursuant to Section 125.38 of the Florida Statutes, the ECC Project Property is no longer required for County uses, is required by the Air Force for its requested use, and that the Air Force will use the ECC Project Property to construct the ECC project in the interest of security and governmental needs, and in support of community interest and welfare; and

WHEREAS, the ECC Project Property will be conveyed to the Air Force by a County Deed in substantially the form attached as Exhibit “C,” which: a) requires the commencement of construction of the ECC Project within three years, and completion of construction within six years, from the recordation of the County Deed; b) includes a reverter to the County for non-compliance with the County Deed restrictions and provisions, in order to ensure compliance with the intent of this Board; and c) reserves unto the County certain easement rights to underground

utilities, as well as an easement for public ingress and egress over certain portions of the ECC Project Property, as further set forth in the County Deed; and

WHEREAS, the value of the ECC Project Property, although received by the County at no cost, is valued at \$1,599,000.00 according to the Miami-Dade County Property Appraiser's website,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board hereby declares the ECC Project Property surplus, waives Administrative Order 8-4 as it pertains to review by the Planning Advisory Board, authorizes the Chairperson or Vice-Chairperson of the Board to execute the County Deed in substantially the form attached as Exhibit "C," and authorizes the County Mayor or County Mayor's designee to take all actions necessary to effectuate this conveyance.

Section 3. Pursuant to Resolution No. R-974-09, this Board: (a) directs the County Mayor or Mayor's designee to record the instrument of conveyance in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board within (30) days of execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of the instrument together with this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of June, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Debra Herman

EXHIBIT "A"

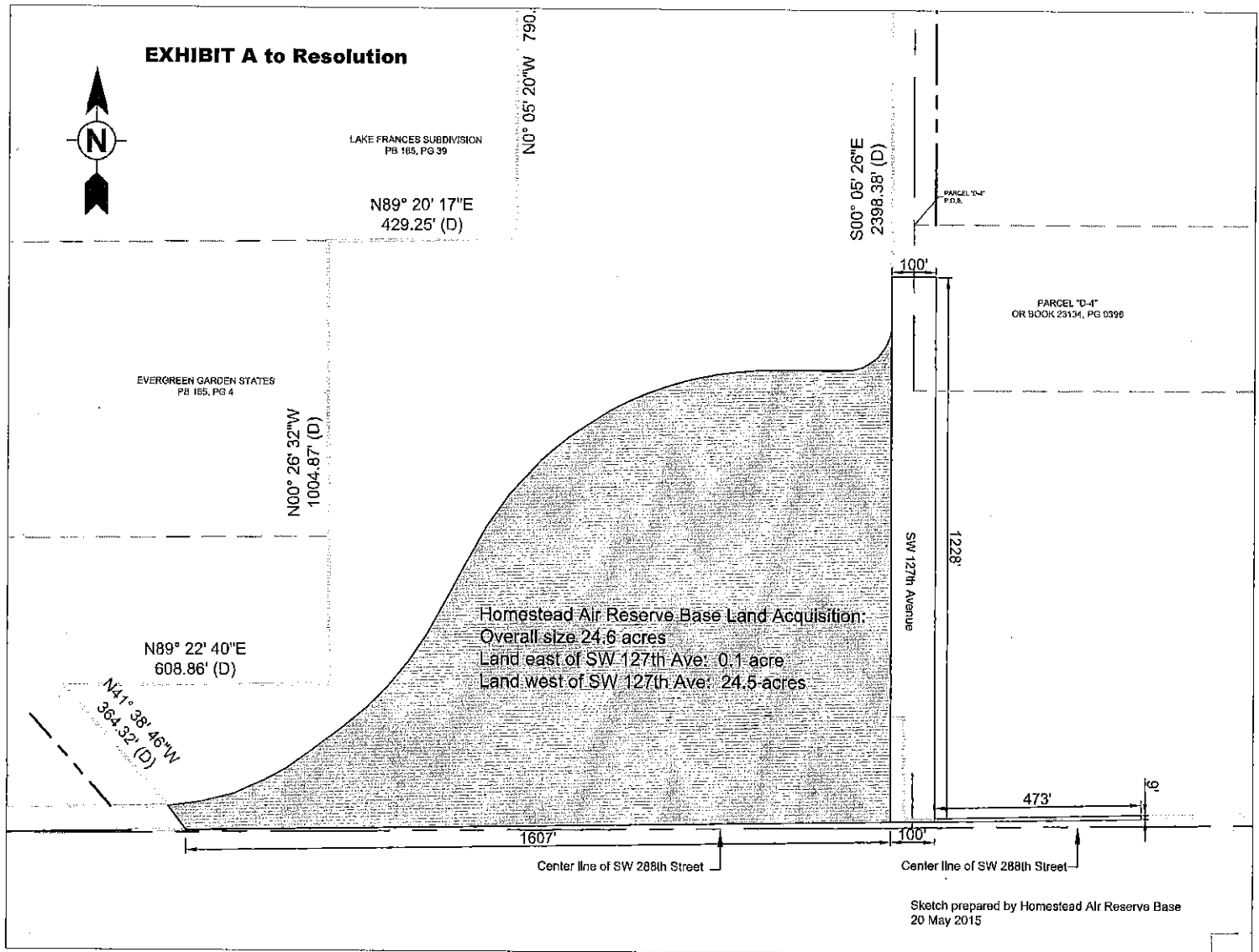




EXHIBIT "B"

DEPARTMENT OF THE AIR FORCE AIR FORCE RESERVE COMMAND

Mr. Robert Warren
Miami-Dade County
Regulatory and Economic Resources Department
111 N.W. First Street
12th Floor
Miami, FL 33128

RE: Entry Control Complex Construction Project at Homestead Air Reserve Base (HARB)

Dear Mr. Warren,

In accordance with §125.38, Fla. Stat. (2012), we wish to pursue an application for conveyance of property, as identified in yellow in the attached map, in order to construct an Entry Control Complex, critical to our force protection. This property was originally conveyed by the Air Force to the County at no cost as part of an economic development conveyance including 601 acres. After much review, Homestead Air Reserve Base (HARB) has determined that the requested property would be the most suitable location for the construction of this complex, and therefore, wishes to pursue an application for conveyance of the property.

As you may know, the 482d Fighter Wing (FW) is the host unit at HARB. The 482d FW provides premier global combat capabilities to the joint warfighter and ready on-call regional humanitarian support. The Homestead location provides a significant gateway to the southern hemisphere and the base is equipped with one of the Air Force Reserve's longest airfields and the largest munitions storage area. HARB supports the Air Combat Command mission with twenty-nine F-16 aircraft and over 2,500 Airmen, including 165 active duty Air Force active association personnel; more than 1,700 traditional reservists, over 280 Air Reserve Technicians and over 280 full-time civilians. In addition to 482d FW, there are eleven on-site tenant units on HARB from both Department of Defense (DOD) and Department of Homeland Security (DHS) agencies. These organizations include: Florida Air National Guard, U.S. Customs and Border Protection, U.S. Coast Guard MSST, and the Headquarters of the Special Operations Command South (SOCSOUTH). All these personnel access their duty stations through HARB's existing entry gate. All of these priceless human and valuable physical assets require protection and safety from terrorist actions.

The ECC project is absolutely critical to HARB's force protection. Without the new ECC, HARB is extremely vulnerable to a host of security threats which could have significant impacts on surrounding Homestead communities.

We thank you for your consideration of our request. Unfortunately, time is of the essence in this case, as HARB was just informed that it is at risk for losing substantial funding for this project if the land conveyance is not expeditiously completed. This is because, once the terms are known, HARB will still require extensive coordination and processing through higher

headquarters in order to complete the conveyance in time to finish the project with the funds already appropriated. We look forward to assisting you in any way that we can to expedite this process.

A handwritten signature in black ink, appearing to read 'C. Funk', with a stylized flourish extending from the end.

CHRISTIAN G. FUNK, Brigadier General, USAFR
Commander

Attachment: HARB Entry Control Complex Map

cc: Robert Warren, Real Estate Advisor, Miami-Dade County
Brent A. Hyden, Lieutenant Colonel, USAFR

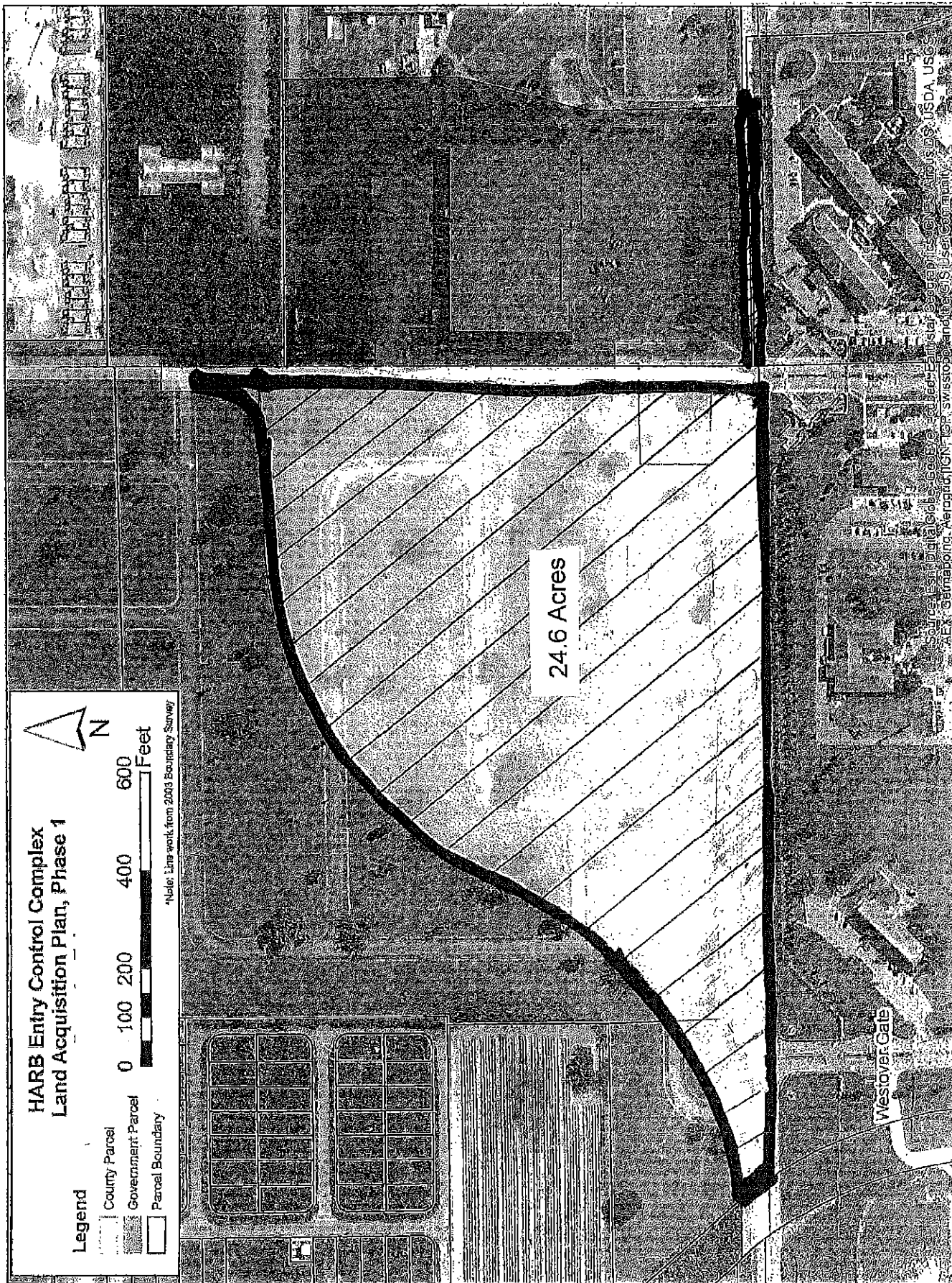


EXHIBIT "C"

Instrument prepared by and returned to:
Miami-Dade County Internal Services Department
Real Estate Development Division
111 N.W. 1 Street, Suite 2460
Miami, Florida 33128-1907

Folio No: Portions of 30-7902-000-0021, 30-7902-000-0210, and 30-7901-000-0273

COUNTY DEED

THIS DEED, made this ____ day of _____, 201__, by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, party of the first part ("Grantor" or "County"), whose address is: Stephen P. Clark Center, Internal Services Department, 111 N.W. 1st. Street, Suite 2460, Miami, Florida 33128-1963, and the UNITED STATES OF AMERICA, party of the second part ("Grantee"), whose address is United States Air Force Reserve, Homestead Air Reserve Base, 29050 Coral Sea Blvd., Building 360, Miami, Florida 33039.

WITNESSETH:

That the said party of the first part, for good and valuable consideration receipt whereof is hereby acknowledged, has granted, bargained, and sold, except without the right to convey or assign, to the said party of the second part, the following described land lying and being in Miami-Dade County, Florida:

See Exhibit "A" attached hereto (the "Property")

Subject to the following restrictions and reservations:

This grant is subject to all covenants, conditions, restrictions, easements, rights-of-way, reservations, rights, agreements and encumbrances whether or not of record. This grant conveys only the interest of the County and its Board of County Commissioners in the Property herein described, and shall not be deemed to warrant the title or to represent any state of facts concerning the same. This grant is made for the public purpose of constructing and maintaining an Entrance Control Complex and attendant features for the Homestead Air Reserve Base compliant

with all applicable Department of Defense and Air Force requirements, including a new entry gate, security office, and realigned and improved roads (collectively the "Complex") in furtherance of national security and community interest and welfare.

Grantee shall commence construction of the Complex within three (3) years from the recordation of this deed in the public records of Miami-Dade County, as evidenced by a Notice of Commencement filed for the construction project or other similar document acceptable to the County as determined by the County Mayor or the Mayor's designee in its sole discretion. Grantee shall complete the construction of the Project within six (6) years of the recordation of this Deed in the public records of Miami-Dade County, as evidenced by a certificate of completion for the structures and buildings, or other similar document acceptable to the County, and approval of the realigned and improved roads by the County, all as determined by the County Mayor or the Mayor's designee in its sole discretion.

Grantor reserves unto itself a public access easement for public use and ingress and egress across and upon a portion of the Property as legally described in Exhibit "B."

Grantor reserves unto itself a utility easement upon and under a portion of the Property legally described in Exhibit "C" for the repair, replacement and maintenance of all above ground and underground utilities existing at the time of this conveyance, including the right of ingress and egress thereto.

If in the sole discretion of Grantor the Property ceases to be used by Grantee for the purposes set forth herein, or if any of the restrictions or conditions herein are not met, the County shall provide thirty (30) days written notice to Grantee to provide Grantee the opportunity to cure the default ("Grace Period"). If after expiration of the thirty (30) day Grace Period, Grantee has not remedied the default, as determined in the County's sole discretion, then at the option of the County, and upon ten (10) days' written notice provided to Grantee, the Property shall then immediately revert to the County, along with any and all improvements thereon, without cost or expense to the County. In the event of such reverter, Grantee shall immediately deed the Property back to the County, and the County shall have the right to immediate possession of the Property, with any and all improvements thereon, at no cost to the County. The effectiveness of the reverter shall take place after final notice is provided by the County, regardless of the deed back to the County by the Grantee. The County retains a reversionary interest in the Property, which right

may be exercised by the County in accordance with this Deed. Upon such reversion, the County may file a Notice of Reversion evidencing same in the public records of Miami-Dade County.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Mayor

Approved for legal sufficiency. _____

The foregoing was authorized by Resolution No. _____ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 2015

Exhibit "A"

Legal Description – Property

Portion of SW 288 Street East of SW 127 Avenue

A parcel of land lying in the NW ¼ of Section 1, Township 57 South, Range 39 East, Miami-Dade County, Florida, described as follows:

Commence at the southwest corner of the NW ¼ of said Section 1; thence N00°05'26"W, along the west line of said Section 1, for 13.85 feet to the centerline of SW 288th Street (Bougainville Boulevard); thence N89°05'45"E, along the centerline of said SW 288th Street, for 50.00 feet to the Point of Beginning; thence N00°05'26"W, along a line 50 feet east of and parallel with the west line of the NW ¼ of said Section 1, for 6.98 feet; thence N88°48'34"E for 472.73 feet; thence S01°03'28"E for 9.34 feet to the centerline of said SW 288th Street; thence S89°05'43"W, along the centerline of SW 288th Street, for 472.84 feet to the Point of Beginning.

Containing an area of 3,858 square feet or 0.09 acres, more or less.

AND;

West of SW 127 Avenue

Main Tract

A parcel of land lying in the NE ¼ of Section 2, Township 57 South, Range 39 East, Miami-Dade County, Florida, described as follows:

Commence at the southeast corner of the NE ¼ of said Section 2; thence N00°05'26"W, along the east line of said Section 2, for 13.85 feet to the centerline of SW 288th Street (Bougainville Boulevard); thence S89°05'43"W, along said centerline of SW 288th Street, for 50.00 feet to the Point of Beginning; thence continue S89°05'43"W, along said line, for 1,599.50 feet; N41°38'46"W for 72.61 feet to the point of curvature of a non-tangent curve to the left having a radius of 514.09 feet, a central angle of 34°22'17", a chord bearing of N70°54'10"E and a chord length of 303.80 feet; thence easterly along the arc of said curve for 308.40 feet; thence N53°43'02"E for 135.96 feet to a point of curvature of a curve to the left having a radius of 713.66 feet, a central angle of 25°28'22", a chord bearing of N40°58'51"E and a chord length of 314.67 feet; thence northeasterly along the arc of said curve for 317.28 feet; thence N28°14'40"E for 198.88 feet to a point of curvature of a curve to the right having a radius of 762.32 feet, a central angle of 61°39'54", a chord bearing of N59°04'37"E and a chord length of 781.42 feet; thence northeasterly along the arc of said curve for 820.45 feet; thence N89°54'34"E for 173.42 feet to a point of curvature of a curve to the left having a radius of 105.00 feet, a central angle of 90°00'00", a chord bearing of

N44°54'34"E and a chord length of 148.49 feet; thence northeasterly along the arc of said curve for 164.93 feet to a point on the westerly line of State Road Department right-of-way, per Deed Book 2301, Page 303, recorded in the Public Records of Miami-Dade County, Florida; thence S00°05'26"E, along a line 50 feet west of and parallel with the east line of the NE ¼ of said Section 2, for 1,128.61 feet to the Point of Beginning.

Containing an area of 1,067,077 square feet or 24.50 acres, more or less

Exhibit "B"

Legal Description – Ingress and Egress Public Access Easement

Portion of SW 288 Street East of SW 127 Avenue

A parcel of land lying in the NW ¼ of Section 1, Township 57 South, Range 39 East, Miami-Dade County, Florida, described as follows:

Commence at the southwest corner of the NW ¼ of said Section 1; thence N00°05'26"W, along the west line of said Section 1, for 13.85 feet to the centerline of SW 288th Street (Bougainville Boulevard); thence N89°05'45"E, along the centerline of said SW 288th Street, for 50.00 feet to the Point of Beginning; thence N00°05'26"W, along a line 50 feet east of and parallel with the west line of the NW ¼ of said Section 1, for 6.98 feet; thence N88°48'34"E for 472.73 feet; thence S01°03'28"E for 9.34 feet to the centerline of said SW 288th Street; thence S89°05'43"W, along the centerline of SW 288th Street, for 472.84 feet to the Point of Beginning.

Containing an area of 3,858 square feet or 0.09 acres, more or less.

AND;

The south 65 feet of a parcel of land lying in the NE ¼ of Section 2, Township 57 South, Range 39 East, Miami-Dade County, Florida, described as follows:

Commence at the southeast corner of the NE ¼ of said Section 2; thence N00°05'26"W, along the east line of said Section 2, for 13.85 feet to the centerline of SW 288th Street (Bougainville Boulevard); thence S89°05'43"W, along said centerline of SW 288th Street, for 50.00 feet to the Point of Beginning; thence continue S89°05'43"W, along said line, for 1,599.50 feet; N41°38'46"W for 72.61 feet to the point of curvature of a non-tangent curve to the left having a radius of 514.09 feet, a central angle of 34°22'17", a chord bearing of N70°54'10"E and a chord length of 303.80 feet; thence easterly along the arc of said curve for 308.40 feet; thence N53°43'02"E for 135.96 feet to a point of curvature of a curve to the left having a radius of 713.66 feet, a central angle of 25°28'22", a chord bearing of N40°58'51"E and a chord length of 314.67 feet; thence northeasterly along the arc of said curve for 317.28 feet; thence N28°14'40"E for 198.88 feet to a point of curvature of a curve to the right having a radius of 762.32 feet, a central angle of 61°39'54", a chord bearing of N59°04'37"E and a chord length of 781.42 feet; thence northeasterly along the

arc of said curve for 820.45 feet; thence N89°54'34"E for 173.42 feet to a point of curvature of a curve to the left having a radius of 105.00 feet, a central angle of 90°00'00", a chord bearing of N44°54'34"E and a chord length of 148.49 feet; thence northeasterly along the arc of said curve for 164.93 feet to a point on the westerly line of State Road Department right-of-way, per Deed Book 2301, Page 303, recorded in the Public Records of Miami-Dade County, Florida; thence S00°05'26"E, along a line 50 feet west of and parallel with the east line of the NE ¼ of said Section 2, for 1,128.61 feet to the Point of Beginning.

Exhibit "C"

Legal Description – Utility Easement

West of SW 127 Avenue Main Tract

The South 65 feet of a parcel of land lying in the NE ¼ of Section 2, Township 57 South, Range 39 East, Miami-Dade County, Florida, described as follows:

Commence at the southeast corner of the NE ¼ of said Section 2; thence N00°05'26"W, along the east line of said Section 2, for 13.85 feet to the centerline of SW 288th Street (Bougainville Boulevard); thence S89°05'43"W, along said centerline of SW 288th Street, for 50.00 feet to the Point of Beginning; thence continue S89°05'43"W, along said line, for 1,599.50 feet; N41°38'46"W for 72.61 feet to the point of curvature of a non-tangent curve to the left having a radius of 514.09 feet, a central angle of 34°22'17", a chord bearing of N70°54'10"E and a chord length of 303.80 feet; thence easterly along the arc of said curve for 308.40 feet; thence N53°43'02"E for 135.96 feet to a point of curvature of a curve to the left having a radius of 713.66 feet, a central angle of 25°28'22", a chord bearing of N40°58'51"E and a chord length of 314.67 feet; thence northeasterly along the arc of said curve for 317.28 feet; thence N28°14'40"E for 198.88 feet to a point of curvature of a curve to the right having a radius of 762.32 feet, a central angle of 61°39'54", a chord bearing of N59°04'37"E and a chord length of 781.42 feet; thence northeasterly along the arc of said curve for 820.45 feet; thence N89°54'34"E for 173.42 feet to a point of curvature of a curve to the left having a radius of 105.00 feet, a central angle of 90°00'00", a chord bearing of N44°54'34"E and a chord length of 148.49 feet; thence northeasterly along the arc of said curve for 164.93 feet to a point on the westerly line of State Road Department right-of-way, per Deed Book 2301, Page 303, recorded in the Public Records of Miami-Dade County, Florida; thence S00°05'26"E, along a line 50 feet west of and parallel with the east line of the NE ¼ of said Section 2, for 1,128.61 feet to the Point of Beginning.

AND:

A parcel of land lying in the NW ¼ of Section 1, Township 57 South, Range 39 East, Miami-Dade County, Florida, described as follows:

Commence at the southwest corner of the NW ¼ of said Section 1; thence N00°05'26"W, along the west line of said Section 1, for 13.85 feet to the centerline of SW 288th Street (Bougainville Boulevard); thence N89°05'45"E, along the centerline of said SW 288th Street, for 50.00 feet to the Point of Beginning; thence N00°05'26"W, along a line 50 feet east of and parallel with the west line of the NW ¼ of said Section 1, for 6.98 feet; thence N88°48'34"E for 472.73 feet; thence S01°03'28"E for 9.34 feet to the centerline of said SW 288th Street; thence S89°05'43"W, along the centerline of SW 288th Street, for 472.84 feet to the Point of Beginning.